

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**FEBRUARY 15, 2011**

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 15, 2011 at 3:10 p.m., in Committee Room #2.** The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable Michael J. Bond, Vice-Chair  
The Honorable C. T. Martin  
The Honorable Alex Wan  
The Honorable Joyce Sheperd  
The Honorable Yolanda Adrean**

The following member was absent:

**The Honorable Keisha Lance Bottoms**

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss and Shawn Jones, Major Erika Shields, Police Department; Interim Chief of Corrections, Patrick Labat, Department of Corrections; Crystal Smith, Municipal Court; Anita Williams and David Bennett, Office of the Mayor; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:10 p.m. after declaring a quorum present. He then proceeded with the following order of business:

- A.    ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B.    APPROVAL OF MINUTES - APPROVED**  
**CONSENT**
- C.    RESOLUTIONS**

**Claims with favorable recommendations:**

- 11-R-0162 ( 1)    Claim of **Freeman Weaver, through his attorney, Steve Freedman (DWM/04)**, for damages alleged to have been sustained as a result of a vehicular accident on July 14, 2010 at University Avenue at Windsor Street.    **\$9,500.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 11-R-0163 ( 2)      Claim of **GEICO Insurance Company, as subrogee of Jamila L. Hoyett (APD/02)**, for property damages alleged to have been sustained from an automobile accident on May 8, 2010 at Browntown Road, NW and Jackson Parkway, NW.  
**\$8,918.75**
- 11-R-0164 ( 3)      Claim of **Darrell Dozier, through his attorney, William Hutchinson (DWM/03)**, for damages alleged to have been sustained as a result of a trip and fall in an uncovered water meter on March 9, 2010 at 887 Drummond Street, SW.  
**\$6,500.00**
- 11-R-0165 ( 4)      Claim of **Dezinae Ealey (DWM/04)**, for damages alleged to have been sustained as a result of an automobile accident on December 6, 2010 on I-20 at McDaniel Street.      **\$5,317.72**
- 11-R-0166 ( 5)      Claim of **June Tompkins (DPW/08)**, for damages alleged to have been sustained due to a vehicular accident on August 17, 2010 at 3417 Tuxedo Road, NW.      **\$2,850.00**
- 11-R-0167 ( 6)      Claim of **Keith Gridine (DWM/02)**, for vehicular damages alleged to have been sustained from an automobile accident on October 9, 2010 at 1605 Peachtree Street.      **\$2,065.71**
- 11-R-0168 ( 7)      Claim of **Keandra Huff (APD/05)**, for damages alleged to have been sustained as a result of an automobile accident on December 9, 2010 at Montgomery Street, NE and Hosea L. Williams Drive, NE.      **\$1,000.00**
- 11-R-0169 ( 8)      Claim of **Gus Used Cars c/o Gus Starks, Jr. (APD/05)**, for vehicular damages alleged to have been sustained from an automobile accident on September 13, 2010 at 1926 Hosea L. Williams Drive, NE.      **\$954.46**

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0170 ( 9)      Claim of **Kenneth Williams (DWM/01)**, for vehicular damages alleged to have been sustained after driving over an elevated manhole on October 31, 2010 at 1959 Thomasville Estates Drive, SE. **\$900.00**
- 11-R-0171 (10)      Claim of **Myson L. Williams (DWM/03)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on May 3, 2010 at 522 Baker Circle . **\$637.90**
- 11-R-0172 (11)      Claim of **Rudene Rembert (DPW/08)**, for damages alleged to have been sustained as a result of a trip and fall on a damaged sidewalk on April 27, 2010 at 25 Pine Street, NE. **\$585.00**

**Claims with unfavorable recommendations:**

- 11-R-0173 ( 12)      Claim of **Shirley Smith (JUD/01)**, for damages alleged to have been sustained as a result of failure to appear in court for a traffic citation on June 17, 2010 at 160 Garnett Street.
- 11-R-0174 (13)      Claim of **Roy Johnston, through his attorney, Adam Jaffe (NA/08)**, for damages alleged to have been sustained as a result of tripping and falling on an unpaved section of the sidewalk on May 14, 2009 at 2965 Pharr Court.
- 11-R-0175 (14)      Claim of **Eleanor Hunter, through her attorney, Waymon Sims (ADP/01)**, for damages alleged to have been sustained as a result of a vehicular accident on July 10, 2009 at 245 Memorial Way.
- 11-R-0176 (15)      Claim of **Evangeline McDonald, through her attorney, Waymon Sims (ADP/01)**, for damages alleged to have been sustained as a result of a vehicular accident on July 10, 2009 at 245 Memorial Way.
- 11-R-0177 (16)      Claim of **Jeff Sekel (ADP/02)**, for damages alleged to have been sustained as a result of an arrest on April 18, 2007 at 805 Peachtree Street.

**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0178 (17) Claim of **Anthony Harvey, through his attorney, James Kelleher**, for damages alleged to have been sustained as a result of a vehicular accident on June 22, 2010 at Mays Drive and Veltre Circle.
- 11-R-0179 (18) Claim of **Sam Hague (APD/10)**, for damages alleged to have been sustained as a result of an arrest on October 6, 2010 at 3815 Martin Luther King, Jr. Drive.
- 11-R-0180 (19) Claim of **Finequa Mahone, through his attorney, Shana M. Rooks (APD/12)**, for damages alleged to have been sustained as a result of maltreatment by police on December 25, 2009 at 1959 Metropolitan Parkway.
- 11-R-0181 (20) Claim of **Charles Cook (DWM/NA)**, for damages alleged to have been sustained as a result of an automobile accident on November 23, 2010 at 805 Selig Drive, Fulton County.
- 11-R-0182 (21) Claim of **Michael Satterlee, through his attorney, Laurie Robbins (DWM/NA)**, for damages alleged to have been sustained as a result on stepping onto a plank covering a sewer on January 21, 2010 at Collins Ridge Drive.
- 11-R-0183 (22) Claim of **Javits and Kim Britt, through their attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 24, 2010, March 23, 2010, and April 10, 2010 at 914 Teton Avenue.
- 11-R-0184 (23) Claim of **Michael Moebes, through his attorney, Gregory Parent (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on May 3, 2010 and August 6, 2010 at 915 Teton Avenue.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0185 (24) Claim of **Pedro Hernandez and Eric Philman, through their attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 24, 2010, April 23, 2010, and May 5, 2010 at 909 Teton Avenue.
- 11-R-0186 (25) Claim of **Shanna Smith (DWM/01)**, for damages alleged to have been sustained as a result of a water bill dispute on July 30, 2010 at 66 Little Street.
- 11-R-0187 (26) Claim of **AT&T (DWM/02)**, for damages alleged to have been sustained as a result of a vehicular accident of February 8, 2010 at 409 John Wesley Dobbs Avenue.
- 11-R-0188 (27) Claim of **Walking through the Vine Community Center (DWM/03)**, for damages alleged to have been sustained as a result of a sewer backup on August 27, 2009 at 766 Joseph E. Boone Boulevard.
- 11-R-0189 (28) Claim of **Adam Blatt (DWM/07)**, for damages alleged to have been sustained as a result of storm water flooding on September 21, 2009 at 1039 Ferncliff Road.
- 11-R-0190 (29) Claim of **All About Real Property Solutions, LLC (DWM/09)**, for damages alleged to have been sustained as a result of a sewer backup on August 18, 2010 at 785 Gary Road.
- 11-R-0191 (30) Claim of **Danelle Drayton (DWM/09)**, for damages alleged to have been sustained as a result of driving over a raised manhole on February 27, 2010 at 1102 Drew Drive.
- 11-R-0192 (31) Claim of **Gail Adams (DWM/10)**, for damages alleged to have been sustained as a result of a sewer backup on January 30, 2010 at 318 Cativo Drive.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0193 (32) Claim of **Rhonda Levitt (DWM/11)**, for damages alleged to have been sustained as a result of flooding on November 3, 2010 at 3000 Continental Colony Parkway, SW Apartment F-150.
- 11-R-0194 (33) Claim of **Venus Prather (DWM/11)**, for damages alleged to have been sustained as a result of a water main break on July 22, 2010 at 2375 Butner Road.
- 11-R-0195 (34) Claim of **Joy Fryer-Scott (DPW/02)**, for damages alleged to have been sustained as a result of a trip and fall due to a hole in the crosswalk on October 7, 2010 at Fairlie Street and Marietta Street.
- 11-R-0196 (35) Claim of **Wanda Shivers, through her attorney, Mark Link (DPW/02)**, for damages alleged to have been sustained as a result of a tripping on a metal bolt in the sidewalk on September 17, 2008 at 312 Auburn Avenue.
- 11-R-0197 (36) Claim of **Charlotte and Aurielle Perdue, through their attorney, Catherine Gibson McCauley (DPW/05)**, for damages alleged to have been sustained as a result of a vehicular accident on November 11, 2008 at Memorial Drive at East Lake Drive.
- 11-R-0198 (37) Claim of **Diane Atland, through her attorney, Richard Kopelman (DPW/06)**, for damages alleged to have been sustained as a result of a motorcycle accident due to striking a pothole on December 26, 2009 on McLendon Avenue, NE.
- 11-R-0199 (38) Claim of **James P. Weeks (DPW/06)**, for damages alleged to have been sustained as a result of a trip and fall on the sidewalk during the installation of a traffic signal on December 4, 2010 at Juniper Street, NE and 6<sup>th</sup> Street, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0200 (39) Claim of **Christopher Lott (DPW/07)**, for vehicular damages alleged to have been sustained after driving over a pothole on September 20, 2010 at Lenox Road, NE and Georgia State Route 400 and Piedmont Road, NE and Lenox Road, NE.
- 11-R-0201 (40) Claim of **GEICO, as subrogee of Glenn Wright (DPW/11)**, for damages alleged to have been sustained as a result of an automobile accident on October 26, 2010 at Niskey Lake Road, SW and Campbellton Road, SW.
- 11-R-0202 (41) Claim of **Todd McGuire (DPRCA/02)**, for damages alleged to have been sustained as a result of removing a tree on June 4, 2010 at 1203 Cleburne Avenue.
- 11-R-0203 (42) Claim of **GEICO, as subrogee of Jillian Martin (DPRCA/06)**, for damages alleged to have been sustained as a result of a fallen tree limb on July 21, 2010 at 1652 North Pelham Road.
- 11-R-0204 (43) Claim of **Frank Cairns (DPRCA/08)**, for damages alleged to have been sustained as a result of a tree limb falling on July 27, 2010 at Bitsy Grant Tennis Center, 2125 Northside Drive.
- 11-R-0205 (44) Claim of **Michael Huff (NA/NA)**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on July 5 thru July 9, 2010 at 4805 Jones Road, Fairburn, GA
- 11-R-0206 (45) Claim of **Jacqueline Johnson (NA/NA)**, for damages alleged to have been sustained as a result of driving over a pothole on September 4, 2010 at 5350 Hunter Road, College Park.
- 11-R-0207 (46) Claim of **Bensie Watkins, through her attorney, Heather A. Thorpe (NA/NA)**, for injuries alleged to have been sustained on March 13, 2010 at an unspecified location.
- 11-R-0208 (47) Claim of **Velma White (NA/01)**, for damages alleged to have been sustained as a result of striking a construction cut on November 30, 2010 at 476 Boulevard, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 11-R-0209 (48) Claim of **USAA, as subrogee of Courtney Wilkins (NA/NA)**, for damages alleged to have been sustained as a result of driving over a pothole on December 15, 2010 at 6055 Old National Highway, College Park.
- 11-R-0210 (49) Claim of **Michael Fykes (NA/10)**, for damages alleged to have been sustained as a result of striking a fallen tree limb on December 1, 2010 at I-20 and I-285.
- 11-R-0211 (50) Claim of **John Smith, through his attorney, L. Chris Stewart (NA/07)**, for injuries alleged to have been sustained on February 5, 2010 at Piedmont Road, and E. Paces Ferry Road.
- 11-R-0212 (51) Claim of **Christiana Johnson, through her attorney, Jonathan Schopp (NA/10)**, for damages alleged to have been sustained as a result of a personal injury on November 16, 2010 at Young Middle School, 3316 Benjamin E. Mays Drive.  
**(Councilmember Wan made a motion to approve Items C1-C51)**

**FAVORABLE**

**D. ORDINANCE FOR FIRST READING**

- 11-O-0216 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a sub-grant from the United States Department of Homeland Security ("DHS"), to aid the City of Atlanta in its ongoing effort to protect itself from terrorist bomb attacks, through the purchase of specialized equipment for the Department of Police's Special Weapons and Tactics Unit ("SWAT"), and to amend the 2011 (Intergovernmental Grant Fund) Department of Police Budget, by adding to anticipations and appropriations in the amount of \$481,965.00; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**



**REGULAR**

**E. COMMUNICATION**

- 11-C-0154 ( 1)     A Communication from Leona Barr-Davenport, President & CEO, Atlanta Business League, to Council President Ceasar C. Mitchell and Members of Council, submitting their nomination of **Ms. Pamela Aliniece** to serve as a member of the Atlanta Citizen Review Board. Ms. Aliniece is to serve the unexpired term of Mr. Owen Montague. This appointment will expire on 6/04/2012.  
**(Councilmember Sheperd made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**F. ORDINANCE FOR SECOND READING**

- 11-O-0245 ( 1)     An Ordinance by Councilmember Howard Shook to amend Chapter 10, Article II of the City of Atlanta Code of Ordinances, as amended, so as to create a new Section 10-93.1 providing an exemption for establishments licensed to sell alcoholic beverages by the package which are located in uniquely comprised retail commercial areas on Peachtree Road in excess of 80,000 square feet, are within the C-3 Zoning District, and which meet other requirements; and for other purposes.  
**(Councilmember Adrean made a motion to approve.)**

**FAVORABLE**

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**G. RESOLUTIONS**

- 11-R-0213 ( 1)     A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Thomas Coffin v. City of Atlanta, Civil Action File Number 2009CV164580, Superior Court of Fulton County, Atlanta, Georgia, in the amount of \$172,740.38; of this amount, authorizing payment of \$7,740.38 to be charged to and paid from Fund, Account, Center Number, Functional Activity listed, to the General Employees Pension Fund on behalf of Thomas Coffin, and authorizing payment of \$165,000.00 to plaintiff and his attorney, Law Offices of G. Brian Spears, PC; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**(Councilmember Bond made a motion to approve.)**

**FAVORABLE**

- 11-R-0228 ( 2)     A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtsmart Digital Systems, pursuant to the State of Georgia Contract GS-03F-8028H, for Video Recording Software, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$22,980.00; all costs to be charged to Fund, Department, Account, and Functional Activity listed; and for other purposes.  
**(Councilmember Wan made a motion to approve.)**

**FAVORABLE**

**H. PAPERS HELD IN COMMITTEE**

- 10-R-0137 ( 1)     A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-0397 ( 2)     An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. (Public Hearing held 4/27/10) **(Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 ( 3)     An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-O-0728 ( 4)     An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-R-0855 ( 5)     Claim of Ron Tusso, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 ( 6)     An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-1342 ( 7)     An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 ( 8)     A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**
- 10-O-1809 ( 9)     An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.)**

**I. FOLLOW-UP ITEMS**

1. Councilmember Adrean made a request that the Committee hear from Risk Management regarding analyzing self-insurance versus purchasing insurance.
2. Councilmember Young made a request to the committee members to submit to his office specific goals and objectives they would like the committee to address during the year 2011.
3. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract every two weeks.

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**J. ITEMS NOT ON THE AGENDA**

**RESOLUTION**

11-R-0251 ( 1)

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A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to execute agreements settling all claims made by the City of Atlanta in the case of In Re Northwest Airlines, Inc., et al., United States Bankruptcy Court, Southern District of New York, Bankruptcy Case Number 05-17930, for payment of claims related to rejection of a lease of an aircraft maintenance facility, environmental damages to and occupancy and use of certain terminal facilities, and property taxes related to leased space, owed to the City of Atlanta as owner and operator of Hartsfield-Jackson Atlanta International Airport, said proceeds to be deposited into Account Number listed below; and for other purposes.

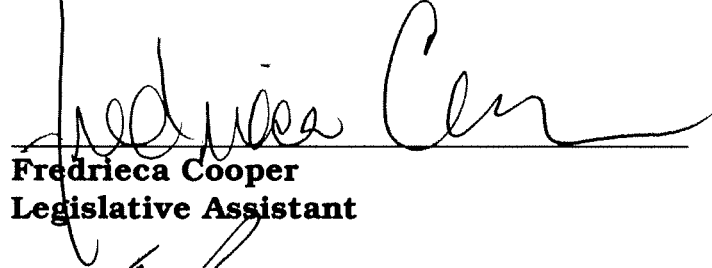
**K. ANNOUNCEMENT**

What: Municipal Court Follow-Up Work Session  
When: Wednesday, February 23, 2011 at 9:00 a.m.  
Where: Municipal Court

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**There being no further business to come before the Committee, the meeting was adjourned at 4:40 p.m.**

**Respectfully Submitted:**



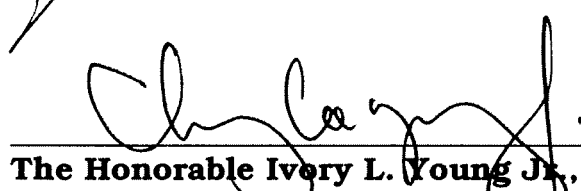
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**Fredriea Cooper**  
**Legislative Assistant**



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**Bernard Thomas**  
**Research and Policy Analyst**



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**The Honorable Ivory L. Young Jr., Chair**  
**Public Safety and Legal Administration Committee**